

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TARNELL LEON JONES,

Plaintiff,

v.

ALL COPS SINCE 1992 to 96, 1971 to 1996 to no
NYC ALL COPS, ALL OTHER STATE 49
OTHER STATES, and ALL COPS & SHERIFFS,

Defendants.

MEMORANDUM & ORDER

22-CV-6493 (HG) (LB)

HECTOR GONZALEZ, United States District Judge:

Plaintiff Tarnell Leon Jones is currently incarcerated by the State of Colorado in San Carlos Correctional Facility and had filed this lawsuit purporting to assert claims under 42 U.S.C. § 1983. ECF. No. 1 at 1. Plaintiff seeks to proceed *in forma pauperis* (“IFP”). However, his application to proceed *in forma pauperis* is denied because Plaintiff is barred from filing any new IFP action while a prisoner under the “three strikes” provision of 28 U.S.C. § 1915(g).

28 U.S.C. § 1915(g) bars prisoners from proceeding *in forma pauperis* after three or more previous claims have been dismissed as frivolous, malicious or for failure to state a claim.

Section 1915(g), commonly known as the “three strikes” rule, provides:

In no event shall a prisoner bring a civil action . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious injury.

28 U.S.C. § 1915(g). *See Lomax v. Ortiz-Marquez*, 140 S. Ct 1721, 1723 (2020) (“Section 1915(g)’s three-strikes provision refers to any dismissal for failure to state a claim, whether with prejudice or without.”); *Polanco v. Hopkins*, 510 F.3d 152, 156 (2d Cir. 2007) (upholding constitutionality of Section 1915(g)); *see also Carolina v. Rubino*, 644 F. App’x 68, 72 (2d Cir.

Mar. 25, 2016) (finding that of Section 1915(g) does not violate the Constitution's equal protection clause).

Here, a review of the Public Access to Court Electronic Records (PACER), a national database of cases filed in the federal courts, reveals that Plaintiff has filed at least 23 civil cases in multiple courts across the country.¹ While incarcerated, Plaintiff has had three or more prior prisoner actions or appeals dismissed on the grounds that they were frivolous, malicious or failed to state a claim upon which relief may be granted.² Plaintiff does not allege that he is under imminent danger or serious physical harm as is required by Section 1915(g).

Accordingly, Plaintiff's application to proceed *in forma pauperis* is denied and this case is dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g). If Plaintiff wishes to reassert his claims, he must file a new action and pay the \$402.00 filing fee to the Clerk of Court of the Eastern District of New York.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

/s/ Hector Gonzalez
HECTOR GONZALEZ
United States District Judge

Dated: Brooklyn, New York
October 28, 2022

¹ See PACER Case Locator, <https://pcl.uscourts.gov/pcl/pages/search/results/parties.jsf?sid=9419ac015ee54b19aec5d116265cf4fd> (last visited October 28, 2022).

² See *Jones v. NYPD, et al.*, No. 22-cv-4995, 2022 WL 6807461, at *3 (S.D.N.Y. Oct. 11, 2022) (dismissing complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i)); *Jones v. All States, et al.*, No. 22-cv-3528, 2022 WL 4586311, at *4 (E.D.N.Y. Sept. 29, 2022) (dismissing complaint as frivolous under 28 U.S.C. § 1915A(b)); *Jones v. NYC State & DOC*, No. 22-cv-4675, 2022 WL 4485285, at *2 (S.D.N.Y. Sept. 26, 2022) (dismissing complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i)).